

1 Honorable Judge Richard A. Jones
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10 **UNITED STATES DISTRICT COURT**
11 **WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

12 CRIMINAL PRODUCTIONS, INC.,

13 Plaintiff,

14 v.
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18 DIANNA STRAND, an individual;
19 MARY-CAROL HUTSON, an
20 individual; MICHAEL STOKER, an
21 individual; SUZANNE STARK, an
22 individual; PHILIP BROWN, an
23 individual; MICHAEL GREEN, an
24 individual; KELLY TALLARITI, an
25 individual; JEREMY BRUCE, an
26 individual; DAVID JOYAL, an
27 individual; JASON MOLTE, an
28 individual; MARIA HULL, an individual;
29
30 Defendants.

No. 16-cv-1177RAJ

ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANT
MARY-CAROL HUTSON

31 TO: Clerk of the Court

32 AND TO: Lowe Graham Jones, Attorneys for Plaintiff

33 **ANSWER**

34 W. Tracy Codd, for Defendant Mary-Carol Hutson, answers and alleges
as follows, by paragraph of Plaintiff's Claim;

ANSWER AND AFFIRMATIVE DEFENSE OF
DEFENDANT MARY-CAROL HUTSON -- Page 1

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WSBA #16745

1 I. Defendant is without sufficient information to respond, therefore
2 denied;

3 2. Admitted;

4 3. Admitted;

5 4. Admitted in part and denied in part. Venue is proper as alleged
6 in sentence #1. With respect to sentence #2, Defendant is without sufficient
7 information to respond, therefore denied. Specifically, it is denied that Defendant
8 distributed and offered to distribute over the internet copyrighted works for which
9 Plaintiff has exclusive rights;

10 5. On information and belief, admitted;

11 6. On information and belief, admitted;

12 7. On information and belief, admitted;

13 8. On information and belief, admitted;

14 9. Denied.

15 10. Denied in part. Defendant does own an IP address that is
16 alleged to have improperly downloaded copyrighted material, however Defendant
17 was not the sole party responsible for and in control of the IP address. The
18 information referenced in this paragraph does not correctly reflect the subscriber
19 using the IP address assigned to her.

20 11. On information and belief, admitted;

21 12. Defendant is without sufficient information to respond, therefore
22 denied;

23 13. Defendant is without sufficient information to respond, therefore
24 denied;

25 14. On information and belief, admitted;

26 15. On information and belief, admitted;

27 16. On information and belief, admitted;

1 17. Paragraph does not call for a response.
2 18. Defendant is without sufficient information to respond, therefore
3 denied;
4 19. On information and belief, admitted. Defendant does reside at
5 13206 12th Avenue South, Burien, Washington along with several other people
6 with access to the IP address;
7 20. On information and belief, admitted;
8 21. On information and belief, admitted;
9 22. On information and belief, admitted;
10 23. On information and belief, admitted;
11 24. On information and belief, admitted;
12 25. On information and belief, admitted;
13 26. On information and belief, admitted;
14 27. On information and belief, admitted;
15 28. On information and belief, admitted;
16 29. Defendant is without sufficient information to respond, therefore
17 denied;
18 30. Defendant is without sufficient information to respond, therefore
19 denied;
20 31. Denied as to Defendant Mary-Carol Hutson. Regarding other
21 Defendants. Defendant is without sufficient information to respond, therefore
22 denied;
23 32. Defendant is without sufficient information to respond, therefore
24 denied;
25 33. Defendant is without sufficient information to respond, therefore
26 denied;

ANSWER AND AFFIRMATIVE DEFENSE OF
DEFENDANT MARY-CAROL HUTSON -- Page 3

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1 34. Defendant is without sufficient information to respond, therefore
2 denied;
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4 35. Defendant is without sufficient information to respond, therefore
5 denied;
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7 36. Defendant is without sufficient information to respond, therefore
8 denied;
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10 37. Defendant is without sufficient information to respond, therefore
11 denied;
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13 38. Defendant is without sufficient information to respond, therefore
14 denied;
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16 39. Defendant is without sufficient information to respond, therefore
17 denied;
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19 40. Defendant is without sufficient information to respond to the
20 first portions of the paragraph, therefore denied; Section (c) is denied.
21

22 41. Admitted.
23

24 42. Paragraph does not call for a response;
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26 43. On information and belief, admitted;
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28 44. On information and belief, admitted;
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30 45. Denied as to Defendant Mary-Carol Hutson. For other
31 Defendants, Defendant is without sufficient information to respond therefore
32 denied;
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34 46. Denied as to Defendant Mary-Carol Hutson. For other
35 Defendants, Defendant is without sufficient information to respond therefore
36 denied;
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38 47. Denied as to Defendant Mary-Carol Hutson. For other
39 Defendants, Defendant is without sufficient information to respond therefore
40

1 denied;

2 48. Denied as to Defendant Mary-Carol Hutson. For other
3 Defendants, Defendant is without sufficient information to respond therefore
4 denied;

5 49. Denied as to Defendant Mary-Carol Hutson. For other
6 Defendants, Defendant is without sufficient information to respond therefore
7 denied;

8 50. Denied as to Defendant Mary-Carol Hutson. For other
9 Defendants, Defendant is without sufficient information to respond therefore
10 denied;

11 51. Denied as to Defendant Mary-Carol Hutson. For other
12 Defendants, Defendant is without sufficient information to respond therefore
13 denied;

14 52. Denied as to Defendant Mary-Carol Hutson. For other
15 Defendants, Defendant is without sufficient information to respond therefore
16 denied;

17 WHEREFORE, Defendant Mary-Carol Hutson prays that Plaintiff's
18 First Amended Complaint sections A through F be dismissed with prejudice and
19 with attorney's fees and costs as allowed under rule, statute or equity.

20 **AFFIRMATIVE DEFENSE**

21 Defendant Mary-Carol Hutson avers and alleges as follows:

22 Plaintiff has failed to name an indispensable party as required by
23 Rule 19.

24 WHEREFORE, Defendant Mary-Carol Hutson prays that Plaintiff's First
25 Amended Complaint be dismissed with prejudice and with attorney's fees and
26 costs as allowed under rule, statute or equity.

1 Dated this 15 day of November, 2016.

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W. TRACY CODD
Attorney for Defendant
Mary-Carol Hutson
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ANSWER AND AFFIRMATIVE DEFENSE OF
DEFENDANT MARY-CAROL HUTSON -- Page 6

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